

Arizona Supreme Court
Civil Petition for Review - Appeal

CV-15-0013-PR

JACKIE ABBOTT et al v BANNER HEALTH NETWORK et al

Appellate Case Information

Case Filed: 8-Jan-2015
Case Closed:

Dept/Composition

En Banc

Hon. Scott Bales
Hon. John Pelander
Hon. Rebecca White Berch
Hon. Robert M. Brutinel
Hon. Ann A. Scott Timmer

Side 1. JACKIE ABBOTT; ROBERT BERGANSKY; RAYMOND BROWN; NICHOLAS BIGLER; RICHARD CAMPUZANO; DALTON GORMEY; TRACY JAMES; STEPHANIE KRUEGER; ZAINAB MOHAMED; ROBERT PIERSON; LUCAS SMITH; ROBERT VAN STEENBURGH; AMBER WINTERS; CHRISTINA YERKEY; and STEVEN YOUNG, Plaintiff/Appellant

(Litigant Group) JACKIE ABBOTT; ROBERT BERGANSKY; RAYMOND BROWN; NICHOLAS BIGLER; RICHARD CAMPUZANO; DALTON GORMEY; TRACY JAMES; STEPHANIE KRUEGER; ZAINAB MOHAMED; ROBERT PIERSON; LUCAS SMITH; ROBERT VAN STEENBURGH; AMBER WINTERS; CHRISTINA YERKEY; and STEVEN YOUNG

- Jackie Abbott
- Robert Bergansky
- Raymond Brown
- Nicholas Bigler
- Richard Campuzano
- Dalton Gormey
- Tracy James
- Stephanie Krueger
- Zainab Mohamed
- Robert Pierson
- Lucas Smith
- Robert Van Steenburgh
- Amber Winters
- Christina Yerkey
- Steven Young

Attorneys for: Plaintiffs/Appellants

David L Abney, Esq. (AZ Bar No. 9001)
Geoffrey M Trachtenberg, Esq. (AZ Bar No. 19338)
B Lance Entrekin, Esq. (AZ Bar No. 16172)

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Side 2. BANNER HEALTH NETWORK fna Banner Health, Inc., an Arizona corporation; DIGNITY HEALTH fka Catholic Healthcare West, a California corporation; SCOTTSDALE HEALTHCARE CORP., an Arizona corporation; NORTHWEST HOSPITAL LLC, a Delaware corporation; NORTHERN ARIZONA HEALTHCARE CORP., an Arizona corporation; JOHN C. LINCOLN HEALTH NETWORK, an Arizona corporation; UNIVERSITY MEDICAL CENTER CORP., an Arizona corporation; CARONDELET HEALTH NETWORK, an Arizona corporation; TUCSON MEDICAL CENTER, an Arizona corporation; ORO VALLEY HOSPITAL, LLC, a Delaware corporation, Defendant/Appellee

(Litigant Group) BANNER HEALTH NETWORK fna Banner Health, Inc., an Arizona corporation; DIGNITY HEALTH fka Catholic Healthcare West, a California corporation; SCOTTSDALE HEALTHCARE CORP., an Arizona corporation; NORTHWEST HOSPITAL LLC, a Delaware corporation; NORTHERN ARIZONA HEALTHCARE CORP., an Arizona corporation; JOHN C. LINCOLN HEALTH NETWORK, an Arizona corporation; UNIVERSITY MEDICAL CENTER CORP., an Arizona corporation; CARONDELET HEALTH NETWORK, an Arizona corporation; TUCSON MEDICAL CENTER, an Arizona corporation; ORO VALLEY HOSPITAL, LLC, a Delaware corporation

- Banner Health Network
- Banner Health Inc
- Dignity Health
- Catholic Healthcare West
- Scottsdale Healthcare Corporation
- Northwest Hospital LLC
- Northern Arizona Healthcare Corp
- John C Lincoln Health Network
- University Medical Center Corporation
- Carondelet Health Network
- Tucson Medical Center
- Oro Valley Hospital LLC

Attorneys for: Defendants/Appellees

Richard B Burnham, Esq. (AZ Bar No. 4534)
Cameron C Artigue, Esq. (AZ Bar No. 11376)
Christopher L Hering, Esq. (AZ Bar No. 28169)

Side 3. ARIZONA ASSOCIATION FOR JUSTICE/ARIZONA TRIAL LAWYERS ASSOCIATION, Amicus Curiae

(Litigant Group) ARIZONA ASSOCIATION FOR JUSTICE/ARIZONA TRIAL LAWYERS ASSOCIATION

- Arizona Association for Justice
- Arizona Trial Lawyers Association

Attorneys for: Amicus Curiae

Stanley G Feldman, Esq. (AZ Bar No. 838)
Adam Studnicki, Esq. (AZ Bar No. 14062)
C Lincoln Combs, Esq. (AZ Bar No. 25080)

CASE STATUS

Nov 10, 2015....Submitted	Sep 1, 2015.....At Issue
Sep 1, 2015.....Oral Argument Granted	Jun 11, 2015.....Continued
Jan 8, 2015.....Pending	

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
1 CA 1 CA-CV 13-0259					
⚡ MAR CV2012-007665	Class Action		J Richard Gama, Authoring Judge of Order Comments: (none)		

24 PROCEEDING ENTRIES

1.	8-Jan-2015	FILED: Motion to Extend Time to File Petition for Review; Certificate of Service to Motion to Extend Time to File Petition for Review (Appellees Banner Health Network et al)
2.	9-Jan-2015	A "Motion to Extend Time to File Petition for Review" (Appellees Banner Health Network et al) having been filed on January 08, 2015, <input type="checkbox"/> IT IS ORDERED granting an extension of time to file the Petition for Review on or before February 23, 2015. No further extensions of time shall be granted absent extraordinary circumstances. This matter is subject to dismissal if the Petition for Review is not filed by February 23, 2015. (Janet Johnson, Clerk)
3.	23-Feb-2015	FILED: Petition for Review; Certificate of Service for Petition For Review; Certificate of Compliance for Petition For Review; Opinion (Appellees Banner Health Network et al)

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4. 23-Feb-2015 FILED: Appendix to Petition for Review; Certificate of Service for Petition for Review (Appellees Banner Health Network et al)
5. 25-Feb-2015 FILED: Record from CofA: Electronic Record
6. 26-Feb-2015 RECEIPT No.: ASC2015-00194 ; \$280.00, Authorization: 56020031239, Applied to: BANNER HEALTH NETWORK - Appellee's PR Filing Fee (\$280.00) Paid for: BANNER HEALTH NETWORK - By Intresys Inc (Memo: FormSet No. 1350186)
7. 29-Mar-2015 FILED: Response to Petition for Review; Certificate of Service for Response to Petition for Review; Certificate of Compliance for Response to Petition for Review (Appellants Abbott et al)
8. 2-Apr-2015 RECEIPT No.: ASC2015-00300 ; \$140.00, Authorization: 90017478379, Applied to: JACKIE ABBOTT; ROBERT BERGANSKY; RAYMOND BROWN; NI - Appellant's Response Filing Fee (\$140.00) Paid for: JACKIE ABBOTT; ROBERT BERGANSKY; RAYMOND BROWN; NICHOLAS BIGLER; RICHARD CAMPUZANO; DALTON GORMEY; TRACY JAMES; STEPHANIE KRUEGER; ZAINAB MOHAMED; ROBERT PIERSON; LUCAS SMITH; ROBERT VAN STEENBURGH; AMBER WINTERS; CHRISTINA YERKEY; and STEVEN YOUNG - By Intresys Inc (Memo: Form Set No. 1381108)
9. 11-Jun-2015 ORDERED: Petition For Review = CONTINUED.
ORDERED: Request for Attorneys' Fees (Appellants Abbott et al) = CONTINUED.
10. 1-Sep-2015 ORDERED: Petition For Review = GRANTED.
FURTHER ORDERED: The case shall be set for oral argument.
FURTHER ORDERED: The parties may file simultaneous supplemental briefs, not to exceed 20 pages in length, no later than 20 days from the date of this Court's Minute Letter.
FURTHER ORDERED: Request for Attorneys' Fees (Appellants Abbott et al) = CONTINUED.
11. 2-Sep-2015 NOTICE OF ORAL ARGUMENT: Set for Tuesday, November 10, 2015 at 3:00 P.M. at University of Arizona [twenty (20) minutes per side]
12. 2-Sep-2015 FILED: Notice of Filing Acknowledgment of Oral Argument (Cameron C. Artigue will argue) (Appellees Banner Health Network et al)
13. 2-Sep-2015 FILED: Notice of Filing Acknowledgment of Oral Argument (Geoffrey M. Trachtenberg will argue) (Appellants Abbott et al)
14. 3-Sep-2015 FILED: DUPLICATE Notice of Filing Acknowledgment of Oral Argument (Cameron C. Artigue will argue) (Appellees Banner Health Network et al)
15. 9-Sep-2015 FILED: Remaining Record from CofA: Instruments 1 Part; Opening Brief of Plaintiffs-Appellants; Answering Brief of Appellees; Reply Brief of Plaintiffs-Appellants [CofA Briefs are Electronic]
16. 21-Sep-2015 FILED: Supplemental Brief of Plaintiffs-Appellants-Respondents; Certificate of Service for Supplemental Brief of Plaintiffs-Appellants-Respondents; Certificate of Compliance for Supplemental Brief of Plaintiffs-Appellants-Respondents (Appellants Abbott et al)
17. 21-Sep-2015 FILED: Petitioners' Supplemental Brief; Certificate of Service for Petitioners' Supplemental Brief; Certificate of Compliance for Petitioners' Supplemental Brief (Appellees Banner Health Network et al)
18. 1-Oct-2015 FILED: Brief of Amicus Curiae Arizona Association for Justice/Arizona Trial Lawyers Association; Certificate of Service; Certificate of Compliance (Amicus Arizona Association for Justice/Arizona Trial Lawyers Association)
19. 1-Oct-2015 FILED: Arizona Association for Justice/Arizona Trial Lawyers Association's Motion for Leave to File Amicus Curiae Brief (Amicus Arizona Association for Justice/Arizona Trial Lawyers Association)
20. 2-Oct-2015 An "Arizona Association for Justice/Arizona Trial Lawyers Association's Motion for Leave to File Amicus Curiae Brief" (Association for Justice/Arizona Trial Lawyers Association) and the Brief of Amicus Curiae were filed on October 1, 2015.
IT IS ORDERED granting the "Arizona Association for Justice/Arizona Trial Lawyers Association's Motion for Leave to File Amicus Curiae Brief." The brief shall be filed as of October 1, 2015. (Hon. John Pelander)
21. 14-Oct-2015 FILED: Motion for Leave to Respond to Amicus Brief; Certificate of Service for Motion for Leave to Respond to Amicus Brief; Response to Amicus Brief of Arizona Trial Lawyers Association (Response to Amicus Brief Deficient; (Missing signature, Certificate of Service and Certificate of Compliance) (Appellees Banner Health Network et al)
22. 15-Oct-2015 FILED: Response to Amicus Brief of Arizona Trial Lawyers Association; Certificate of Service for Response to Amicus Brief of Arizona Trial Lawyers Association; Certificate of Compliance for Response to Amicus Brief of Arizona Trial Lawyers Association (Appellees Banner Health Network et al)

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| 23. | 16-Oct-2015 | A "Motion for Leave to Respond to Amicus Brief" having been filed by Appellees Banner Health Network et al on October 14, 2015, and the "Response to Amicus Brief of Arizona Trial Lawyers Association" having been filed on October 15, 2015. After consideration,

IT IS ORDERED granting the Motion. The Response to Amicus Brief of Arizona Trial Lawyers Association shall be filed as of October 15, 2015. (Hon. John Pelander) |
| 24. | 10-Nov-2015 | ORAL ARGUMENT - Submitted for decision en banc (Attorneys who argued: Geoffrey M Trachtenberg; Cameron C Artigue) |